

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

UNITED STATES OF AMERICA, )  
 ) CASE NO. CR11- 035-MJP  
Plaintiff, )  
 )  
v. ) SUMMARY REPORT OF U.S.  
 ) MAGISTRATE JUDGE AS TO  
KEVIN JOHN MORAN, ) ALLEGED VIOLATIONS  
 ) OF SUPERVISED RELEASE  
Defendant. )  
\_\_\_\_\_ )

An evidentiary hearing on supervised release revocation in this case was scheduled before me on October 19, 2012. The United States was represented by AUSA Andy Colasurdo and the defendant by Jennifer Wellman. The proceedings were digitally recorded.

Defendant had been sentenced on or about July 15, 2008 by the Honorable Fred Van Sickle in the Eastern District of Washington on a charge of Theft of Government Property, and sentenced to 12 months and one day custody, 3 years supervised release.

The conditions of supervised release included the standard conditions plus the requirements that defendant be prohibited from bidding on any government contracts for the removal or processing of timber products, provide financial information as requested, be

SUMMARY REPORT OF U.S. MAGISTRATE JUDGE AS  
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01 prohibited from having access to any bank account, ATM or credit card without advance  
02 permission, make all business records available for inspection, be prohibited from incurring  
03 new debt or credit obligations without permission, submit to search, participate in substance  
04 abuse treatment, abstain from alcohol, not enter any establishment where alcohol is the primary  
05 commodity for sale, and pay restitution in the amount of \$37,688.77. (Dkt. 3, page 5-9.) The  
06 case was transferred to this District on February 7, 2011 (Dkt. 3 at 2.)

07       On March 29, 2011, defendant admitted violating the conditions of supervision by  
08 failing to truthfully answer the inquiries of the probation officer, obtaining a new line of credit  
09 without permission, and failing to pay monthly restitution payments. (Dkt. 8.) As a result,  
10 defendant's supervised release was modified to require defendant to participate in home  
11 detention with electronic monitoring for up to 180 days. (Dkt. 13.)

12       On August 24, 2011, defendant admitted violating the conditions of supervision by  
13 failing to comply with the electronic monitoring program. (Dkt. 18.) No further sanctions  
14 were imposed at the time. (Dkt. 21.)

15       In an application dated (Dkt. 22, 23), U.S. Probation Officer Jerrod Akins alleged the  
16 following violation of the conditions of supervised release:

17       1.     Committing the crime of residential burglary, in violation of the general  
18 condition that he not commit another federal, state, or local crime.

19       Defendant was advised in full as to those charges and as to his constitutional rights.

20       The government offered certified copies of the Judgment and Sentence in the  
21 Snohomish County Superior Court, showing that defendant was convicted in a jury trial of  
22 committing the crime of Residential Burglary on July 23, 2012. Defendant does not object to

01 admission of the Judgment and Sentence as exhibits in this case. Therefore, I find it has been  
02 established by a preponderance of the evidence that defendant has violated the conditions of  
03 supervision as alleged in violation 1, by committing the crime of residential burglary. (Dkt.  
04 28.)

05 I therefore recommend the Court find defendant violated his supervised release as  
06 alleged in violation one, and that the Court conduct a hearing limited to the issue of disposition.  
07 The next hearing will be set before Judge Pechman.

08 Pending a final determination by the Court, defendant has been released on the  
09 conditions of supervision.

10 DATED this 19th day of October, 2012.

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12 

13 Mary Alice Theiler  
14 United States Magistrate Judge  
15

16 cc: District Judge: Honorable Marsha J. Pechman  
17 AUSA: Carl A. Colasurdo  
18 Defendant's attorney: Jennifer Wellman  
19 Probation officer: Jerrod Akins  
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